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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,653	12/28/2000	James A. Jackson JR.	VAL-501-A	6984

7590

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EXAMINER

LUU, THANH X

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 10/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/750,653

Applicant(s)

JACKSON, JAMES A. 

Examiner

Thanh X Luu

Art Unit

2878

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2002.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 14 August 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1</u> . | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This Office Action is in response to amendments and remarks filed August 14, 2002. Claims 1-20 are currently pending.

#### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

#### ***Drawings***

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on August 14, 2002 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1, 2, 4-12 and 15-20, as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Bos et al. (U.S. Patent 6,313,454).

Regarding claims 1, 2, 4-12 and 15-20, Bos et al. disclose (see Figure 6) an optical moisture detector and method for measuring ambient light conditions comprising: an optical moisture sensor (36) for sensing the presence of moisture on a moisture collecting surface, the sensor operable to emit a signal corresponding to sensed conditions; and a processor means (42, 54) for receiving the signal, for determining from the signal an absolute ambient light value corresponding to existing ambient light conditions, for comparing the value of to a predetermined value (threshold), and for emitting a control signal (below threshold) if the value is less than the predetermined value as a result of the comparison. Bos et al. further disclose (see Figure 6) means responsive to the control signal for controlling (55) a light generating device (38). Bos et al. also disclose (see Figure 2b) the optical moisture sensor mounted with respect to a windshield of a motor vehicle. Furthermore, Bos et al. disclose (see Figure 7) an algorithm in which the sensor operates. A microprocessor is inherently operating the device in accordance with the algorithm since the method is carried out automatically. Bos et al. further disclose (see column 4, lines 47-48) a CCD or CMOS imaging array. Also, Bos et al. disclose (see Figure 7) collecting data from dark pixels (when light is "off") and from normal pixels (when light is "on") for processing. Lastly, Bos et al. further disclose (see Figure 7) comparing (230, 330) to a first and second threshold value for turning "on" and "off" a light generating device.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bos et al.

Regarding claim 14, Bos et al. disclose the invention as set forth above. Bos et al. do not specifically disclose the processor means comparing twice before sending a control signal. However, it is a matter of design choice the number of times a comparison is carried out. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide two successive comparisons in the device of Bos et al. to improve the accuracy and precision of the detection.

7. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bos et al. in view of Schofield et al. (U.S. Patent 6,097,023)

Regarding claims 3 and 13, Bos et al. disclose (see Figure 6) an A/D converter which inherently delays and serves as a timing means for disabling the processor means for comparing for a predetermined period of time. Bos et al. do not specifically disclose a timing means for selectively disabling the processor means as claimed. Schofield et al. teach (see column 5, lines 19-21) detecting light levels over a long period in order to produce significant time filtration. Thus, Schofield et al. recognize that in moisture and ambient light detection circuits a quick response is not desired. Thus, it

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would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide timing means to selectively disable the processor means of Bos et al. in view of Schofield et al. to provide more detection time to yield a more accurate value of ambient light.

### ***Response to Arguments***

8. Applicant's arguments filed August 14, 2002 have been fully considered but they are not persuasive.

Applicant asserts that Bos et al. do not disclose an "absolute" ambient light value. However, claim 1 defines "absolute" ambient light value as "corresponding to existing ambient light conditions." As understood, the ambient light value of Bos et al. corresponds to existing ambient light conditions, and thus it discloses an absolute ambient light value. Applicant further asserts that an "absolute" ambient light value can be differentiated because it does not require reference to another value. Yet, Applicant further states that the light value is compared to another signal. Thus, it is also unclear what Applicant intends for an "absolute" ambient light value to mean. Lastly, Applicant asserts that an absolute ambient light value is obtained by comparing a dark pixel signal to another signal, but such language is not found in the claims. Thus, as set forth above, this final rejection is proper.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is (703) 305-0539. The examiner can normally be reached on Monday-Friday from 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta, can be reached on (703) 308-4852. The fax phone number for the organization where the application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

txl  
October 23, 2002

  
Que T. Le  
Primary Examiner